

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 22, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Eric Bunderson, City Attorney
Russell Willardson, Public Works Director
Layne Morris, CPD Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Nicole Cottle, CED Director
Jim Welch, Finance Director
Brent Garlick, CED Department
Lee Logston, CED Department
Jake Arslanian, Public Works Department

15567 **OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt who talked about the 48th anniversary of the assassination of John F. Kennedy and the “end of Camelot.” She read excerpts from President Kennedy’s inauguration speech. She also encouraged reading of the entire speech as she thought the words to be very timely for today.

15568 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 96 in attendance to complete requirements of the Citizenship in the Community merit badge.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-2-

15569 **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 8, 2011**

The Council read and considered Minutes of the Regular Meeting held November 8, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held November 8, 2011, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15570 **COMMENT PERIOD**

Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

Bud Shosted addressed the City Council and stated there were two problems: one was a friend that had someone break into his shed three weeks ago, that had been reported to the Police Department and there had been no response; the second was \$5 million for Valley Fair Mall. He stated it was time the City Council thought for themselves and not listen to City staff. He also stated no one could afford anything right now and the budget for West Valley City was bad.

Chase Everton addressed the City Council and stated he was the research director for the Utah Taxpayer's Association. He spoke regarding the proposed \$5 million incentive to the Valley Fair Mall. He stated he called the City Manager's office and was denied information regarding this matter. He also related a recent conversation with the City Manager. He indicated in order for taxpayers to trust public officials, the public officials must allow access to information. He requested the City Council delay a vote in order for the public to review information.

Lance Deeds addressed the City Council and stated he had lived in West Valley City for the past 16 years with both positive and negative aspects during that time. He advised one of his neighbors was moving this Friday because that person had

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-3-

been burglarized five times in the last three years. He stated he had lived in that location for decades and there had been many interactions with city officials, some positive and some inattentiveness in enforcement of ordinances. He stated attempts had been made to contact City Council members but were ignored. He explained his purpose in addressing the City Council was the “silent majority was out there” and needed to be heard. He stated the last election had less than 20% voter turnout. He stated he would be speaking freely and often in the Council Chambers. He stated Mike Winder’s actions in writing news articles under a pen name had done much to discredit the city. He expressed opposition regarding funding \$5 million for the Mall project.

Senator Karen Mayne addressed the City Council and expressed appreciation to the City Council and City staff for taking care of problems on 4100 South by installing stamped concrete in that area. She stated she had come to thank the city on behalf of the residents of that area. She encouraged the City Council to keep up the good work and to look for other areas that could be fixed or beautified especially if it cost little or no money. She also discussed redistricting and stated it caused her area to include more of West Valley City. She explained graffiti was also an issue and she would sponsor a bill in the upcoming session of the legislature regarding curfews and painting paraphernalia, and to include penalties.

15571

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-6-2011, FILED BY GEORGE CAREY, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ‘M’ (MANUFACTURING) FOR PROPERTY LOCATED AT 2471 SOUTH 7200 WEST

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to accept public input regarding Application No. Z-6-2011, filed by George Carey, requesting a zone change from zone ‘A’ (Agriculture) to ‘M’ (Manufacturing) for property located at 2471 South 7200 West. He discussed proposed Ordinance No. 11-27 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-27 which would amend the Zoning Map to show a change of zone for property located at 2471 South 7200 West from zone ‘A’ (Agriculture) to ‘M’ (Manufacturing).

Mr. Pyle stated the subject property was located in an area largely zoned ‘M’ and while there was single-family land use to the south the area was largely expected to transition to industrial land use, particularly to the east where there were large vacant parcels.

The City Manager indicated the property immediately abutting the subject property on the north side was also owned by the applicant and was zoned ‘M.’

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-4-

He stated the current land use was a single-family home. He also informed the subject property had been designated as light manufacturing in the West Valley City General Plan.

City Manager, Wayne Pyle, reported the applicant had requested the zone change in order to help facilitate sale of the land to the third party with intention of building a convenience store on the site. He further reported the zone change would allow the convenience store as a conditional use. He explained the current 'A' zoning was leftover from before the City was incorporated. An existing home currently extended from the 'M' zoned parcel to the north onto the subject 'A' zoned parcel.

Mayor Winder opened the public hearing.

George Carey, applicant, addressed the City Council. Mr. Carey expressed appreciation to City staff for their efforts and assistance with his re-zone application. He requested approval of the proposal.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 11-27, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2471 SOUTH 7200 WEST FROM ZONE 'A' (AGRICULTURE) TO 'M' (MANUFACTURING)

The City Council previously held a public hearing regarding Application No. Z-6-2011, filed by George Carey, and proposed Ordinance No. 11-27 that would amend the Zoning Map to show a change of zone for property located at 2471 South 7200 West from zone 'A' (Agriculture) to 'M' (Manufacturing).

After discussion, Councilmember Vincent moved to approve Ordinance No. 11-27, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 2471 South 7200 West from Zone 'A' (Agriculture) to 'M' (Manufacturing). Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-5-

Unanimous.

15572

ORDINANCE NO. 11-28, ENACT SECTION 19-2-1104.1 OF THE WEST VALLEY CITY MUNICIPAL CODE MAKING IT UNLAWFUL TO PUSH, THROW, BLOW OR PLOW SNOW, HAIL OR SLEET ONTO ANY CITY STREET

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-28 which would enact Section 19-2-1104.1 of the West Valley City Municipal Code making it unlawful to push, throw, blow or plow snow, hail or sleet onto any City street.

Mr. Pyle stated that in the past the City had problems with snow removal companies working in commercial parking lots who pushed large quantities of snow out into City streets. He explained there currently was no ordinance prohibiting this type of action. He further explained last winter a contractor cleaning a lot on 1070 West pushed snow from a parking lot across a traffic lane onto the light rail tracks. He informed that the Utah Transit Authority (UTA) had requested assistance from the City in this regard; but no enforcement action could be taken because the act was not specifically prohibited.

The City Manager reported the new proposed amendment would enable the City to take enforcement action when snow from a business, commercial or institutional property was pushed or thrown into the street. He advised that the proposed ordinance would not apply to single-family residences.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-28, an Ordinance Enacting Section 19-2-1104.1 of the West Valley City Municipal Code Making It Unlawful to Push, Throw, Blow or Plow Snow, Hail, or Sleet onto Any City Street. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15573

RESOLUTION NO. 11-191, APPROVE AN AGREEMENT FOR DISPOSITION OF LAND (ADL) FOR PRIVATE DEVELOPMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND COVENTRY III/SATTERFIELD HELM VALLEY FAIR MALL, LLC, TO PROVIDE FOR CONTINUED EXPANSION AND REMODELING OF THE EXTERIOR AND THE INTERIOR OF THE VALLEY FAIR MALL

City Manager, Wayne Pyle, presented proposed Resolution No. 11-191 which would approve an Agreement for Disposition of Land (ADL) for private development between the City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to provide continued expansion and remodeling of the exterior and interior of the Valley Fair Mall.

Mr. Pyle stated Satterfield Helm had proposed a multiple phased expansion and remodel of the Mall to include expansion and renovation of the east side, remodeling of the interior corridors, and expansion and renovation of the “junior anchors” on the northwest side of the Mall. He indicated the development was expected to add significant new square footage to the Mall at a cost of approximately \$40,000,000. He indicated in order for the proposed development to begin immediately the City had been asked to provide up to \$5,000,000 to assist with building acquisition, demolition and infrastructure improvements. He explained this incentive would be spent throughout the multiple phases of expansion and would cover approximately 13% of the total expansion costs. He stated execution of the ADL would allow the major expansion of the Mall to proceed in 2012 with a projected annual increase of \$560,000 in tax increment and \$50 - \$70 million in new sales.

City Manager, Wayne Pyle, reported redevelopment and expansion of the Valley Fair Mall site began in 2006 with construction of the 150,000 square foot Costco business. Since then, an additional 130,000 square feet of retail and restaurants had been added, a large outdoor plaza constructed, and a new access road built. This had resulted in a 50% increase in traffic to the Mall from 2006 to 2011, an increase in sales of over 35% (April – October) from 2009 to 2011, and a greatly enhanced image of the City. He stated in order to continue this momentum, major additions were being planned for the east side, western front, and interior corridors of the Mall.

Mr. Pyle informed market conditions and a restrictive lending environment made it difficult to secure the needed construction financing to continue the Mall’s expansion. In order to quickly initiate and complete these next phases and substantially finish the Mall’s redevelopment, a \$5,000,000 incentive had been requested. He indicated this public incentive would allow the development phases to move forward with the east side and interior phases beginning

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-7-

concurrently in 2012. He informed that in discussing and negotiating the potential development with Satterfield Helm it had been concluded use of incentives would be required to leverage the needed financing thus allowing the proposed development to proceed.

The City Manager discussed background information regarding the proposal and further explained implementation and use of the Redevelopment Agency as a tool for redevelopment and/or development of property and in this case proposed \$5 million in property tax increment once new construction occurred. He addressed and clarified comments he made to Mr. Everton, Utah Taxpayer's Association, during a conversation occurring earlier this date.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-191, a Resolution Approving an Agreement for the Disposition of Land for Private Development between the City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to Provide for the Continued Expansion and Remodeling of the Exterior and the Interior of the Valley Fair Mall. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15574

RESOLUTION NO. 11-192, RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH (THE "CITY"), AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT IN CONNECTION WITH ISSUANCE BY THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, (THE "AGENCY") OF ITS TAXABLE TAX INCREMENT REVENUE BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,750,000; AND RELATED MATTERS

City Manager, Wayne Pyle, presented proposed Resolution No. 11-192 which would authorize execution and delivery of an Interlocal Agreement in connection with issuance by the Redevelopment Agency of West Valley City, Utah, (the "Agency") of its Taxable Tax Increment Revenue Bonds, Series 2011, in the aggregate principal amount of not to exceed \$6,750,000; and related matters.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-8-

Mr. Pyle stated the Redevelopment Agency (RDA) had determined it would be in furtherance of its public purposes to issue not more than \$6,750,000 of tax increment revenue bonds to be designated Redevelopment Agency of West Valley City, Utah, Tax Increment Revenue Bonds, Series 2011 to provide funds to (i) finance the costs of acquiring various properties within the Redevelopment Project Area (the “Project”), (ii) fund a debt service revenue fund, if necessary, and (iii) pay costs associated with the issuance of the Bonds. He also stated in order to make these Bonds more marketable an Interlocal Agreement with the City would be required.

The City Manager explained the Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act, under Title 17C of the Utah Code, allowed the City to grant or contribute funds to the RDA pursuant to an Interlocal Agreement.

After discussion, Councilmember Burt moved to approve Resolution No. 11-192, a Resolution of the City Council of West Valley City, Utah (the “City”), Authorizing the Execution and Delivery of an Interlocal Agreement in Connection with the Issuance by the Redevelopment Agency of West Valley City, Utah (the “Agency”) of its Taxable Tax Increment Revenue Bonds, Series 2011, in the Aggregate Principal Amount of Not to Exceed \$6,750,000; and Related Matters. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15575

CONVENE AS BOARD OF CANVASSERS FOR THE 2011 MUNICIPAL GENERAL ELECTION HELD NOVEMBER 8, 2011

The City Council convened as the Board of Canvassers for the 2011 Municipal General Election held November 8, 2011, and with City Recorder, Sheri McKendrick, reviewed results of the Municipal General Election held November 8, 2011, as shown on the Canvass Report.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-9-

ACTION: CONSIDER RESOLUTION NO. 11-193, ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 8, 2011, AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-193 which would accept and approve the results of the Municipal General Election held November 8, 2011, as shown on the Canvass Report. Mr. Pyle stated the City Council was the legislative body for West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code 20A-4-301(2). He indicated the Code required the Board of Municipal Canvassers to meet to canvass the returns of the Municipal General Election no sooner than seven days and no later than 14 days after the election.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-193, a Resolution Accepting and Approving the Results of the Municipal General Election Held November 8, 2011, as Shown on the Canvass Report. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15576

CONSENT AGENDA:

A. RESOLUTION NO. 11-194, APPROVE A DELAY AGREEMENT WITH CESAR PAREDES TO DELAY CONSTRUCTION OF OFF-SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 1646 WEST 2700 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 11-194 which would approve a Delay Agreement with Cesar Paredes to delay construction of off-site improvements for property located at 1646 West 2700 South.

Mr. Pyle stated Cesar Paredes, owner of the property, had requested to delay construction of curb and gutter, sidewalk, and asphalt pavement tie-in for the subject location. He informed the owner had proposed to construct a home on his property and at the present time there was no

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-10-

existing curb, gutter or sidewalk improvements along the property or other properties on this portion of 2700 South. He indicated postponing construction of the improvements would allow time for additional development to provide similar improvements. He reported the combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of the curb and gutter.

B. RESOLUTION NO. 11-105, RATIFY THE CITY MANAGER'S APPOINTMENT OF NATALIE GRANGE AS A MEMBER OF THE WEST VALLEY CITY CULTURAL ARTS BOARD (CAB), TERM: NOVEMBER 22, 2011 – DECEMBER 31, 2012

City Manager, Wayne Pyle, presented proposed Resolution No. 11-105 which would ratify his appointment of Natalie Grange as a member of the West Valley City Cultural Arts Board (CAB), for the term November 22, 2011, through December 31, 2012.

Mr. Pyle stated Ms. Grange would fill the unexpired term of John Witmer.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 11-194 and 11-195 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 22, 2011, WAS ADJOURNED AT 7:15 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 22, 2011

-11-

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, November 22, 2011.

Sheri McKendrick, MMC
City Recorder